

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

EUGENIE BOUCHARD

Plaintiff,

v.

**UNITED STATES TENNIS ASSOCIATION,
INC., and USTA NATIONAL TENNIS
CENTER, INC.**

Defendants.

)
)
)
) Civ. Act. No.:1:15-cv-5920-AMD-MDG
)
) Judge Ann M. Donnelly
)
) Magistrate Judge Lois Bloom
)
)
)
)
)
)
)
)

**PLAINTIFF'S NOTICE OF MOTION FOR SANCTIONS
DUE TO DEFENDANTS' SPOILIATION OF EVIDENCE**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Plaintiff's Motion for Sanctions due to Defendants' Spoliation of Evidence and the accompanying Declaration of Benedict P. Morelli in Support of Plaintiff's Motion for Sanctions dated May 16, 2017, and the exhibits attached thereto, the Plaintiff Eugenie Bouchard, by her undersigned counsel, will move this Court before Magistrate Judge Lois Bloom, at the United States District Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, for the entry of an Order, pursuant to Federal Rules of Civil Procedure, Rule 37(b), Rule 37(e), and this Court's inherent authority, granting sanctions against the Defendants for spoliation of evidence, specifically: (1) an adverse inference jury instruction against Defendants for intentionally depriving the Plaintiff of evidence that would have been favorable to Plaintiff and adverse to the interests of Defendants; (2) punitive monetary sanctions; (3) an assessment against Defendants for the costs and fees incurred by the Plaintiff on this Motion; and (4) such other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's Scheduling Order, Defendants' response in opposition to this Motion, if any, shall be served by May 31, 2017, and the Plaintiff's reply in further support of her Motion, if any, shall be served by June 8, 2017.

Dated: New York, New York
May 16, 2017

Respectfully Submitted,



Benedict P. Morelli
David T. Sirotkin
Perry S. Fallick
MORELLI LAW FIRM, PLLC
777 Third Avenue, 31st Floor
New York, NY 10017
T: (212) 751-9800

Attorneys for Plaintiff

TO: **WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**
Rosario M. Vignali, Esq.
1133 Westchester Avenue
White Plains, New York 10604
(914) 872-7250

Attorneys for Defendants